

EX. 2

Maximum Charges for Patient Records

This summary is for general information purposes only and should not be regarded as legal advice.

The Minnesota Department of Health (MDH) cannot give legal advice about whether patients or their representatives may be charged fees for copies of the patient's health record. Whether fees may be charged for patient health records, and the amount of any fees, may vary based on the individual situation. The following summary is for general information only.

State and federal laws and regulations can impact whether or not (and how much) a health care provider can charge for copies of patient records. Talk with the provider who has the patient records and explain your situation and what records are sought. Depending on the circumstances, the provider may require you to pay a fee. Ask the provider for an estimate and an explanation of the charges.

State Law and Rule

When providers are allowed to charge for copies of patient records, the following state law or rule limits the amount that can be charged.

- **Annual determination of maximum charges for patient records.** MDH uses the formula in Minnesota Statutes, section 144.292, subdivision 6, to annually determine the maximum allowable fees for copies of patient records.

When section 144.292 applies, the maximum charges for 2014 are \$1.32 per page for copy charges and \$17.54 for retrieval fees. Pursuant to statute, these limits do not apply to x-rays. The provider may charge a patient no more than the actual cost of reproducing x-rays, plus no more than \$10 for the time spent retrieving and copying the x-rays. Read the state law

online at:

<http://www.revisor.mn.gov/statutes/?id=144.292>.

- **Workers' compensation cases.** Payment for copies of medical records that are part of a workers' compensation case may be subject to Minnesota Rules, part 5219.0300. See the Minnesota Department of Labor & Industry's website for more information: http://www.dli.mn.gov/WC/PDF/wc_batg_3.pdf. Read the state rule online at: <http://www.revisor.mn.gov/rules/?id=5219.0300>.

Federal HIPAA Privacy Rule

The federal HIPAA Privacy Rule covers patient access to records and includes prohibitions on retrieval fees and other restrictions. This federal rule is administered by the U.S. Department of Health and Human Services Office of Civil Rights (OCR).

More information about HIPAA is available at: <http://www.hhs.gov/ocr/privacy/index.html>

You may contact the OCR regional office at:

Region V - Chicago (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)
Valerie Morgan-Alston, Regional Manager
Office for Civil Rights
U.S. Department of Health and Human Services
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The Minnesota Department of Health (MDH) provides the summary above for general information purposes only and it should not be regarded as legal advice. Those interested in more specific information or counsel regarding charges for patient health records should seek other assistance or appropriate legal advice as needed.